

SECTION 9.0. ADMINISTRATION AND PROCEDURES

9.1 GENERAL.

9.1.1 Building Commissioner. The Building Commissioner shall administer and enforce the provisions of this Ordinance, including the receiving of applications, the inspection of premises and the issuing of building permits for the construction, alteration or relocation of building and structures.

9.1.2 Building Permit. No building or structure shall be erected, added to or structurally altered until a building permit therefor has been issued by the Building Commissioner. The Building Commissioner shall return to the applicant one set of the plans submitted for a building permit, after marking such copy either as approved or disapproved. One set of the plans and application for a building permit shall be retained in the office of the Building Commissioner and shall be available during the normal working hours of said department for public inspection. Whenever such permit is refused, because of some provision of this Ordinance, the reason for such refusal shall be clearly stated in writing by the Building Commissioner. In the event of doubt whether a building permit should be issued in any particular case, the Building Commissioner shall deny the application therefor.

1. Pursuant to the State Building Code, the Building Commissioner may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials.

9.1.3 Enforcement. The Building Commissioner shall not grant a permit for the construction, alteration or relocation of any building or structure except where the provisions of this Ordinance have been complied with; nor shall any municipal officer issue any permit or license for a new use of a building, structure or land which use would be in violation of this Ordinance or amendments thereof. If the Building Commissioner shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures, or work related thereto; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; or shall take any other action authorized by this Ordinance to ensure compliance with its provisions

9.1.4 Certificate of Occupancy. No land shall be occupied or used and no building or structure, erected or structurally altered, shall be occupied or used in whole or in part for any purpose until a certificate of occupancy has been issued by the Building Commissioner stating that all buildings and use of premises comply with the provisions of this Ordinance and the building code of the city. A certificate of occupancy becomes void immediately upon termination of the use for which it was issued.

1. A record of all occupancy permits shall be kept on file by the Building Commissioner and certified copies shall be furnished on request to any person having a proprietary or tenancy interest in the premises affected, upon payment of the required fee.

9.1.5 Grievances. Any person aggrieved by a violation of any portion of this Ordinance may formally request the Building Commissioner in writing to enforce the provisions hereof, and the Building Commissioner shall act upon such request pursuant to G.L. c. 40A, s. 7.

9.1.6 Appeal to Board of Appeals. Any person aggrieved by any action taken or determination made by the Building Commissioner in the administration of this Ordinance may appeal within thirty days thereafter to the Board of Appeals by filing with the city clerk a notice of appeal specifying the ground thereof and filing an application to the board of appeals.

9.1.7 Penalties. The penalty for violation of any provision of this Ordinance of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

9.2 BOARD OF APPEALS

9.2.1 Establishment. There shall be a Board of Appeals as provided by G.L. c. 40A, s. 12, as amended, which shall act on all matters within its jurisdiction under this ordinance in the manner prescribed in such section. The Board shall consist of five members to be appointed by the Mayor. All members of the Board shall be residents of the city; one member shall be an attorney at law, and one shall be either an architect, engineer or master builder. The terms shall be arranged so that one member is appointed on the first Monday of each February for a term of five years. Any vacancy in the Board shall be filled for the remainder of the unexpired term. There shall also be three associate members of the Board of Appeals who shall be appointed in like manner and have the same qualifications as the regular members of the Board, but for a term of three years. In case of an unfilled vacancy, inability to act, or interest on the part of a member of such Board, the chairperson shall designate one of the associate members to take the place of such member.

9.2.2 Powers. The Board of Appeals shall exercise the powers and perform the duties prescribed for a Board of Appeals under the provisions of G.L. c. 40A and c. 40B, or any amendments thereto. Any action of such board, under such sections, shall be in accordance with and subject to the terms thereof. The Board's powers are as follows:

1. To hear and decide applications for special permits and findings. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 9.4, or as otherwise specified.
2. To hear and decide appeals or petitions for variances from the terms of this Ordinance, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals may grant use variances in all districts.
3. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 7, 8 and 15.

4. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

9.2.3 Procedures. Applications shall be filed in accordance with the rules and regulations of the Board of Appeals. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Board of Appeals.

9.2.4 Conditions. Special permits and variances may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit or permit granting authority may deem necessary to serve the purposes of this Ordinance.

9.2.5 Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

9.2.6 Fees. The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

9.3 PLANNING BOARD

9.3.1 Establishment. An appointed Planning Board of five (5) members is hereby established.

9.3.2 Powers. The Planning Board shall have the following powers:

1. When so designated, to hear and decide applications for special permits as provided in this Ordinance, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board.
2. To review applications for site plan approval pursuant to Section 9.5 of this Ordinance.
3. To issue a Certificate of Consistency pursuant to Section 8.3 of this Ordinance.

9.3.3 Rules and Regulations. The Planning Board shall adopt rules and regulations not inconsistent with the provisions of the Zoning Ordinance for conduct of its business and otherwise carrying out the purposes of said Chapter 40A, and shall file a copy of such rules in the office of the City Clerk.

9.3.4 Fees. The Planning Board may adopt reasonable administrative fees and technical review fees for applications for special permits and site plan approval.

9.4 SPECIAL PERMITS

9.4.1 Special Permit Granting Authority. The City Council, Zoning Board of Appeals, or the Planning Board, where designated herein, shall serve as the special permit granting authority.

9.4.2 Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written determination that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the City, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, such determination shall include consideration of each of the following:

1. Community needs served by the proposal;
2. Traffic and pedestrian flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on City services, tax base, and employment.

9.4.3 Procedures. Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.

9.4.4 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.

9.4.5 Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9.4, herein.

9.4.6 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

9.4.7 Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.

9.4.8 Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9.5 SITE PLAN REVIEW

9.5.1 Applicability. Except in the Quincy Center Districts, the following types of activities and uses require site plan review by the Planning Board:

1. All multi-family or apartment development in any zoning district which results in a dwelling with three or more dwelling units; and
2. All construction of a new nonresidential structure or expansion of an existing nonresidential structure which results in a total of more than 5,000 gross square feet but less than 9,999 gross square feet
3. Construction or expansion of a parking lot which results in a total of more than 10 spaces for a municipal, institutional, commercial, industrial, or multi-family structure or purpose.
4. Any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exemption under G.L. c. 40A, s. 3; provided, however, that site plan review shall not be applicable to any municipally owned or operated preschool, elementary school, middle school, or high school. Site plan review shall be limited in such circumstances to the imposition of reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.
5. Wind facilities that do not exceed 250 feet in height as set forth in Section 6.7 herein.
6. Commercial storage of boats, unenclosed.

9.5.2 Procedures. Site plan review shall require a public hearing in accordance with the procedures set forth in G.L. c. 40A, ss. 9 and 11. Applicants shall submit eight (8) full and ten (10) reduced copies of the site plan to the Planning Board for review and circulation by the Planning Board to the City Council, Health Commissioner, DPW Commissioner, Building Commissioner, City Engineer, and Conservation Commission for their advisory review and comments. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within ninety (90) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of the Board as constituted, shall be in writing, and shall be filed in the office of the City Clerk. No building permit or certificate of occupancy shall be issued by the Building Commissioner without the written approval of the site plan by the Planning Board, or unless 90 days lapse from the date of the submittal of the site plan without action by the Planning Board.

1. *Application for Building Permit.* An application for a building permit to perform work as set forth in Section 9.5.1 available as of right shall be accompanied by an approved site plan.
2. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.
3. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.

4. No deviation from an approved site plan shall be permitted without modification thereof.

9.5.3 Preparation of Plans; Contents. Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Board and to schedule a comment period at a regular meeting of the Planning Board. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=20'. The contents of the site plan are as follows:

1. Six (6) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the planning board. The plans are as follows:
 - a. Locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the planning board.
 - b. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, areas for snow storage after plowing, and all proposed recreational facilities and open space areas.
 - c. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage, and all wetlands including floodplain areas.
 - d. Utility plan, which shall include all facilities for refuse and sewage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, and electric, water, gas, telephone, and cable.
 - e. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
 - f. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.
2. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.
3. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance

with this ordinance.

4. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to City of Quincy Stormwater Ordinance.

5. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

9.5.4 Waiver. The Planning Board, at its discretion, may waive any technical requirement of this Section 9.5 for a project which is unusually simple or small. Such waiver may be granted prior to submittal or after submittal during the public hearing. The Planning Board may define a minor site plan in its rules and regulations and specify waivers to be granted therein.

9.5.5 Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including but not limited to those set forth in Section 9.5.6, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations and/or the Quincy Stormwater Ordinance. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
2. Maximize pedestrian and vehicular safety both on the site and egressing from it;
3. Minimize obstruction of scenic views from publicly accessible locations;
4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
5. Minimize glare from headlights and lighting intrusion;
6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places; minimize interference with architectural details in the placement or installation of fixtures, including signs; maximize orientation of the main façade of buildings to the street providing frontage.
7. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;

8. Ensure compliance with the provisions of this Zoning Ordinance, including parking and landscaping.

9.5.6 Existing Residential Structures. All new construction, or construction of any addition where the gross floor area of an existing residential structure is increased by no less than fifty percent (50%) shall be subject to and in conformance with the following guidelines:

1. The structure shall be oriented to the main street.
2. Primary massing of building should be located along the street facade.
3. The structure shall not have any blank exterior walls.
4. Wherever possible, garage doors shall be oriented away from the main street
5. Window and door treatments shall be rhythmic in design.
6. Roofs shall not be excessively pitched.
7. Wherever possible, parking areas shall be located to the rear and side of the structure.
8. Parking areas and HVAC equipment shall be appropriately screened.
9. Materials shall be subject to the review of the Building Commissioner and compatible with the general character of the neighborhood and subject to any design guidelines subsequently adopted by the Quincy City Council and approved by the Mayor, in effect at the time of the filing of an application for a building permit.

9.5.7 Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

9.5.8 Regulations; Fees. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines. The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

9.5.9 Appeal. Any decision of the Planning Board pursuant to this Section 9.5 shall be appealed in accordance with the provisions of G.L. c. 40A, s. 17 to a court of competent jurisdiction.

9.6 ZONING ADMINISTRATOR. The City of Quincy hereby authorizes the appointment of a Zoning Administrator, who unless otherwise provided by charter shall be appointed by the Board of Appeals, subject to confirmation by the City Council to serve at the pleasure of the Board of Appeals pursuant to such qualifications as may be established by the City Council. The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties by a concurring vote of all except one member. Any person aggrieved by a decision of order of the Zoning Administrator, whether or not previously a party to the proceeding, or any municipal

office or board, may appeal to the Board of Appeals, as provided in G.L.. Chapter 40A, Section 14 within thirty days after the decision of the Zoning Administrator has been filed in the Office of the City Clerk. Any appeal, application or petition filed with said Zoning Administrator as to which no decision has issued within thirty-five days from the date of filing shall be deemed denied and shall be the subject to appeal to the Board of Appeals as provided in G.L, Chapter 40A, Section 8. The Zoning Administrator shall serve without compensation.